TWENTY-THIRD ANNUAL REPORT

1987-88

ONTARIO LAW REFORM COMMISSION

Ministry of the Attorney General

89-05506/

The Ontario Law Reform Commission was established on May 8, 1964 by section 1 of the *Ontario Law Reform Commission Act*. Section 2(1) of the Act states that it is the function of the Commission to inquire into and consider any matter relating to (a) reform of the law having regard to the statute law, the common law and judicial decisions; (b) the administration of justice; (c) judicial and quasi-judicial procedures under any Act; and (d) any subject referred to it by the Attorney General. The Commissioners are:

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ISSN 0474-1862

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Ontario
Law Reform
Commission

To The Honourable Ian Scott, QC
Attorney General for Ontario

Dear Mr. Attorney:

We have the honour to present the Twenty-Third Annual Report of the Ontario Law Reform Commission, for the period April 1, 1987 to March 31, 1988.

INTRODUCTION

This is the Twenty-Third Annual Report of the Ontario Law Reform Commission, for the period from April 1, 1987 to March 31, 1988. We have again this year completed three major Reports and have made substantial advances in the completion of other projects.

The *Report on Compensation for Personal Injuries and Death* was delivered to the Attorney General in typescript form on November 10, 1987, and printed copies of the Report were tabled in the Ontario Legislature on April 18, 1988. Also delivered to the Attorney General during the past year were the *Report on Contribution Among Wrongdoers and Contributory Negligence*, dated March 23, 1988, and the *Report on Timesharing*, dated March 31, 1988.

On April 22, Dr. Leal received the Law Society Medal at a Convocation of the Law Society of Upper Canada, the award of which was noted in our Twenty-Second Annual Report.

Members, former members, and the staff of the Commission were all deeply saddened by the death on March 20, 1988 of our esteemed former colleague, the Honourable Richard A. Bell, PC, QC, LSM, LLD. A testimonial written by Dr. H. Allan Leal, the Vice Chairman, was recorded in the Minutes of the April meeting of the Commission and is attached to this Report as Appendix A.

THE PROGRAM: REFERRED MATTERS

Section 2(1)(d) of the *Ontario Law Reform Commission Act* requires the Commission to inquire into and consider any matter referred to it by the Attorney General. No new matters were referred to the Commission during 1987-88. The Commission has completed Reports on all previous References.

THE PROGRAM: PROJECTS INITIATED BY THE COMMISSION

Under its founding statute, the Commission is empowered to inquire into and consider any matter relating to reform of the law. During the year under review, the Commission added to its program a project dealing with Exemplary Damages.

A. COMPLETED PROJECTS

1. *Compensation for Personal Injuries and Death*

In November, 1987, the Commission submitted to the Attorney General its *Report on Compensation for Personal Injuries and Death*. The project extended over a period of two years and was directed by Professor Stephen M. Waddams, of the Faculty of Law, University of Toronto. The Commission was assisted by a Research Team and an Advisory Board comprising members of the judiciary and the practising profession, as well as representatives of government and the insurance industry.

The purpose of the study was to take a careful and balanced look at the legal principles governing compensation for personal injuries and death, in order to ensure that they were fair, consistent and reasonable. The project was not initiated in response to any perceived crisis in relation to liability insurance or the operation of the tort system. Moreover, the project assumed the continued existence of the present, fault-based tort system, and did not extend to an examination of systems of accident compensation other than the current system based on individual responsibility of wrongdoers for injuries caused.

The Report is divided into nine chapters. Chapter 2 deals with third party claims under Part V of the *Family Law Act, 1986* for pecuniary losses and loss of guidance, care and companionship resulting from wrongful injury to or death of another person. The Commission concludes that claims for such losses should be abolished and replaced by a first party claim for loss of "working capacity", which it defines to include loss of the capacity to earn, to provide care and guidance (but not companionship) to a spouse, dependent children or dependent parents, and loss of the capacity to provide household services. In the case of personal injury resulting in death where there is no surviving spouse, dependent children or dependent parents, the damages in respect of loss of working capacity would be payable

to the estate, and distributed like any other asset of the estate in accordance with the general law governing succession. Where there is a surviving spouse, dependent children or dependent parents, damages assessed in respect of the deceased's loss of capacity to give care and guidance would be distributed among such persons in the amounts assessed in respect of each of them; damages for loss of working capacity, other than for loss of the capacity to provide care and guidance, would be apportioned by the court among the surviving spouse and dependent children and parents. All such damages would be distributed free of the claims of creditors and the costs of administering the estate.

As indicated, the proposed first party claim for loss of working capacity would include a claim for loss of the capacity to provide household services. Chapter 2 deals with the valuation of such services, and recommends that compensation for loss of capacity to perform household services should be assessed with reference to the average weekly earnings in Ontario (industrial aggregate).

Chapter 3 of the Report examines damages for non-pecuniary loss—that is, pain and suffering, loss of amenities and loss of expectation of life—in light of the principles laid down by the Supreme Court of Canada in the 1978 "trilogy" of cases, and concludes that there should be no change in the present law and practice respecting such damages. It is recommended, however, that, in the trial of an action for damages for personal injuries, the judge should be empowered to give guidance to the jury concerning the quantum of damages for non-pecuniary loss, and that counsel should have the right to make submissions to the judge or the jury concerning the quantum of damages, subject to the trial judge's overriding discretion to control the proceedings of the court. It is also recommended that an appellate court should have the power, when setting aside an assessment of damages for non-pecuniary loss, to substitute its own assessment instead of ordering a new trial.

Chapter 4 of the Report deals with awards for the cost of future care of an injured person. The Commission concludes that the present test of "reasonableness" to determine the appropriate standard or level of care is satisfactory, and that no legislation is necessary. The Commission also makes a number of recommendations relating to "gross-up", that is, an amount awarded to offset income tax liability on income from investment of a future care award.

First, the Commission recommends that the Government of Canada be urged to introduce a tax sheltered plan that would permit investment in the plan of the entire amount awarded for future care. Investment income would be permitted to accumulate in the plan free of tax, and plaintiffs would be taxed on withdrawals until the amount remaining in the plan equals the amount paid in, which amount could be withdrawn free of tax. Secondly, and irrespective of amendments to the *Income Tax Act*, the Commission recommends legislative recognition of the propriety of an award of gross-up. However, in order to achieve consistency in the calculation of gross-up and to avoid the necessity of repeated hearings on the

estimates of such matters as the future rate of inflation and income taxation, the Report recommends that the assumptions underlying the calculation of gross-up be standardized, and proposes a set of standardized assumptions to be implemented by amendment to the Rules of Civil Procedure and reviewed at least once every four years.

In chapter 5, the Commission considers whether the court should be empowered to award damages in the form of periodic payments, in lieu of a lump sum award, regardless of whether all parties consent, and to review such an award at the instance of either party. The Report concludes that the law of Ontario should not be changed to accommodate a system of periodic payments, whether reviewable or non-reviewable, that could be imposed by the court without the consent of the parties.

Chapter 6 of the Report deals with collateral benefits. The Commission affirms the "collateral source rule", which precludes the deduction of collateral benefits from a damage award, but proposes changes to ensure that double recovery does not occur. Accordingly, the Commission recommends that where an injured person has received an indemnity, including an *ex gratia* payment, in respect of any specific pecuniary loss claimed from the wrongdoer, the damages awarded in respect of the loss should be held in trust for the collateral source. The wrongdoer, or her insurer, would be entitled to pay the damages directly to the collateral source and would receive a discharge of liability to the extent of the payment. No such payments would be permitted until the injured person had received compensation for the entire loss from all sources.

In chapter 7, the Commission makes a number of proposals relating to prejudgment interest. Among the Commission's proposals are recommendations that prejudgment interest run from the date upon which the cause of action arose, that rates be set quarterly, and that prejudgment interest be compounded, with quarterly calculations.

A number of miscellaneous issues are considered in chapter 8. The Commission reviews the current law and practice governing contingencies, the discount rate, and management fees, and concludes that amending legislation is unnecessary. However, the Commission recommends that, at least once every four years, the Rules Committee of the Supreme and District Courts should review the discount rate to be used in determining the amount of an award in respect of future pecuniary damages.

Exemplary damage awards are considered in chapter 9, and the conclusion is reached that such damages, which are non-compensatory and which are not restricted to actions involving personal injuries, are beyond the scope of the Report and should form the subject of a separate project.

The Report includes two draft Bills, the *Personal Injuries Compensation Act* and the *Courts of Justice Amendment Act*, which are intended to give legislative form to the Commission's recommendations. The Report also includes a draft Rule that would implement the Commission's

proposals concerning the standardization of assumptions underlying the calculation of gross-up.

2. *Contribution Among Wrongdoers and Contributory Negligence*

In March, 1988, the Commission submitted to the Attorney General its *Report on Contribution Among Wrongdoers and Contributory Negligence*. The Project was directed by Professor John M. Evans, of Osgoode Hall Law School, York University. The Report deals primarily with the rights and obligations, as between themselves, of persons—called "concurrent wrongdoers"—whose wrongful conduct has been the cause of a single, indivisible loss to another. The right of one concurrent wrongdoer, who has paid more than his lawful share of the damage award, to obtain compensation from another concurrent wrongdoer is referred to as the "right to contribution" and is founded on the fundamental restitutionary principle of unjust enrichment.

In addition to rights to contribution, the Report examines the rights of the injured person *vis-à-vis* concurrent wrongdoers and the effect of the injured person's contributory fault on the extent of his recovery. Under the Commission's recommendations for reform, the *Negligence Act* would be repealed and a new *Contribution and Comparative Fault Act* would be enacted to deal comprehensively with the matters just described.

In chapter 2, the Commission examines the characteristics of the two classes of concurrent wrongdoers—that is, "joint" wrongdoers, where there is a concurrence in the chain of causation leading to a single loss as well as mental concurrence in some common enterprise, and "several" wrongdoers, where the concurrence is only in respect of causation. At common law, four consequences flowed from this distinction. While three of these consequences have been abolished by legislation, the "single judgment rule"—by which, where joint tortfeasors are sued together, only one judgment can be given against them, and damages cannot be severed or apportioned—continues to apply. In addition, some further anomalies still exist. The Report recommends that the single judgment rule should be abolished and that the position of joint and several concurrent wrongdoers *vis-à-vis* the injured person should be assimilated.

Chapter 3 of the Report deals with the rule that a concurrent wrongdoer is liable *in solidum* to the injured person; that is, each wrongdoer is liable for the entire loss. After considering the rationale for, and the criticisms of, this rule, the Commission recommends that there should be no change in the law respecting *in solidum* liability, even where the plaintiff is contributorily negligent. Accordingly, the injured person would not have to bear the risk of the insolvency or absence of a concurrent wrongdoer.

In chapter 4, the Commission describes the nature and scope of the right to contribution among concurrent wrongdoers, including contract breakers, and among those whose liability depends on a common debt. The Report first examines the types of liability that now give rise to a right to

contribution and the principal objections to and justifications for retaining that right, and then recommends that a right to contribution should be capable of arising among all concurrent wrongdoers, irrespective of the nature of the legal obligation that gives rise to their liability in damages. However, the new statutory right to contribution would not extend to those concurrently liable for a debt.

With respect to the application of the proposed legislation, the Report recommends that the new Act should supersede any other right to contribution (as distinct from "indemnity") unless, in the case of a statutory right, it is specifically provided in the other statute that the contribution provisions of that statute apply notwithstanding the provisions of the proposed Act. In addition, the new contribution provisions would apply in the case of trustees and other fiduciaries, except as otherwise specifically provided by the revised *Trustee Act* proposed by the Commission in its *Report on the Law of Trusts* (1984). Finally, rights to indemnity—which arise where two persons are liable for the same damages or debt, but the liability of one is primary and the liability of the other is secondary—would not be affected by the new Act.

Chapter 5 of the Report deals with a number of issues concerning the relationship between rights of contribution and settlements. The Commission concludes that a right of contribution should continue to be granted in favour of a person who has settled, either fully or partially, with the plaintiff. It would be no defence to a contribution claim that the settling claimant could never have been successfully sued by the plaintiff, although the court could refuse contribution where, essentially, the settlement was made in bad faith. The Report also recommends that where, following a settlement between the plaintiff and a concurrent wrongdoer, another concurrent wrongdoer has been held liable to the plaintiff or has settled the latter's claim for an amount that exceeds his proportionate share of the liability, he should be entitled to claim contribution from the first wrongdoer for the excess, even though that wrongdoer has ceased to be liable to the plaintiff because of the settlement.

In chapters 6 and 7, the Report focuses on the possible defences that may be raised against contribution claims. Chapter 6 is concerned with the effect of the liability to the injured party of the claimant and the contributor. In the case of the claimant, the Report recommends that, where the contribution claim is made in a legal proceeding separate from that in which judgment was awarded against the claimant in favour of the injured party, it should be no defence for the contributor to show that the court erred in holding the claimant liable to that party, except where the judgment was obtained by collusion or fraud. However, the contributor would be entitled to show that the court wrongly assessed the injured person's loss in the earlier action.

Insofar as the contributor's liability is concerned, the Commission proposes that a person who could at no time have been successfully sued by the injured person should never be liable to pay contribution. In addition, where a concurrent wrongdoer's liability to the injured person is, for any

reason, less than that of another concurrent wrongdoer, the first wrongdoer would not be required to pay by way of contribution a sum that exceeds the amount of that liability.

Chapter 7 deals with situations in which the contributor was at one time liable to compensate the injured person, but where subsequent events have rendered him immune. The Report considers the question whether contribution may be obtained from such a wrongdoer in three contexts: (1) where there are different limitation periods governing the enforcement of the injured person's rights against the various wrongdoers; (2) where the contributor was successful in a prior action against him by the injured person; and (3) where there has been a settlement, release, or waiver of the contributor's liability by the injured person.

The Commission recommends that it should never be a defence to a contribution claim for the contributor to show that his liability to the injured party has ceased by reason of such events as the expiry of a statutory limitation period, dismissal of the injured person's action for delay, or the injured person's failure to comply in time with a procedural requirement. However, it would be a defence to establish that proceedings were instituted by the injured person against the claimant, or a settlement was made between them, after the expiry of a limitation period contained in a contract made between the contributor and the injured person before the latter's cause of action arose against the contributor. If judgment on the merits has already been given in favour of the contributor against the injured person, the contributor would not be liable to pay contribution, unless the judgment was obtained by collusion or fraud. Finally, the Report recommends that it should not be a defence to establish that the contributor has ceased to be liable to the injured person by virtue of a settlement made with, or a release or waiver of liability given by, the injured party after that party's cause of action arose against the contributor.

Chapter 8 of the Report assumes that a right of contribution has been established and examines the sum to which the concurrent wrongdoers are required to contribute, the persons among whom this sum ought to be divided, and the quantification of each of the parts into which the sum is to be divided. Most significant is the proposal that the amount of contribution recoverable from a concurrent wrongdoer should be such as may be found by the court to be just and equitable, having regard to the degree of responsibility of each concurrent wrongdoer for the damage caused. If it is not practicable to make such an assessment, each wrongdoer would be deemed to be equally responsible for the loss.

In chapter 9, the Commission turns to consider several aspects of civil procedure pertaining to contribution claims. The Report deals first with proceedings for claiming contribution and recommends that a contribution claim should be made by means of either a crossclaim or a third party claim, unless (in the former situation) this is impossible, or (in the latter situation) it is either impossible or impracticable. Where the claimant has settled with the injured person, he would continue to be entitled either to institute or to continue contribution proceedings against another concurrent wrongdoer.

A second topic covered in chapter 9 concerns the limitation period governing contribution claims. It is recommended that the limitation period should be two years, running from either the date of the judgment or the date when the settlement was made.

The third subject addressed in the chapter is the time at which a contribution order may be enforced. The Report recommends that the order should be executable when the claimant has discharged a greater proportion of the common liability than represents his degree of fault, or when the contributor can no longer be sued successfully by the injured person. When the claimant has not discharged fully his liability to the injured person, the money recovered from the contributor would have to be paid into court in satisfaction of the claimant's liability to that person.

The final chapter of the Report is concerned with contributory fault, that is, the failure to exercise reasonable care for one's own person, property, or other recognized interest. After describing the common law and statutory background and recommending the continuance of apportionment legislation, the Report turns to an examination of legal wrongs that ought to be subject to apportionment. The Commission concludes generally that all torts, including those of negligence and strict liability, as well as intentional torts, should be included within the proposed apportionment legislation. In addition, apportionment would be available where liability for damages arises from a breach of a statutory duty, a breach of a duty of care arising from a contract, and a breach of contract that results in personal injury or property damage (although apportionment for loss caused by breach of contract would be subject to any express or implied agreement). Apportionment would apply to every type of loss, including economic loss. While the proposed legislation would not be extended expressly to a breach of fiduciary duty, including breach of trust, the Report does recommend that nothing in the Commission's proposed legislation should derogate from the court's power to apportion damages apart from statute.

In the context of contributory negligence and multiple wrongdoers, the Commission expresses the view that the *in solidum* liability of a concurrent wrongdoer to a contributorily negligent plaintiff should continue unchanged even where one of the wrongdoers is absent or insolvent, and even in the case where three or more parties suffer damage for which each party is partly responsible.

With respect to the application of the apportionment provisions of the proposed Act, the Report recommends that such provisions should have primacy over any other statute, unless the other statute specifically states that it is to apply notwithstanding the proposed Act.

3. *Timesharing*

The Commission has submitted to the Attorney General its *Report on Timesharing*, dated March 31, 1988. The Report reviews the present law affecting timesharing in Ontario, as well as timeshare legislation in the

United States, and concludes that there is a need for both enabling and regulatory legislation in this jurisdiction.

The Report recommends the enactment in Ontario of a *Timeshare Act*, which would deal comprehensively and systematically with all aspects of timesharing. The Act would contain enabling provisions that would recognize the validity and facilitate the conveyance of this unique form of property interest, as well as regulatory provisions governing the sale, ownership, management, and termination of timeshare arrangements. The jurisdiction of the proposed Act would be expansive, comprehending domestic timeshare projects, as well as foreign projects marketed in Ontario, that are situated on real property, whether of a fee or non-fee nature. The legislation would not, however, apply to timeshare interests in leaseholds or other personal property.

Timesharing would be regulated, and the proposed Act administered, by an agency set up within the Business Practices Division of the Ministry of Consumer and Commercial Relations. The offices of Registrar and Assistant Registrar would be created under the supervision of the Director of the Business Practices Division. All timeshare developments covered by the proposed legislation would be required, prior to being marketed within the Province, to register with the Registrar by filing certain statutorily specified information.

In order to permit potential purchasers to make an informed decision concerning the purchase of a timeshare interest, the proposed legislation would require that, prior to executing an agreement of purchase and sale, purchasers be given a disclosure statement, the contents of which would be prescribed by statute. Purchasers would be entitled, within ten days of receipt of the disclosure statement, to rescind the agreement. The Act would also require exchange companies operating within the Province to file information relating to their exchange programs with the Registrar, and would require developers to provide prospective purchasers with statutorily specified information regarding any exchange opportunities offered in conjunction with the sale of a timeshare interest.

With respect to the marketing of timeshare interests, the Report recommends that the proposed timeshare legislation should contain provisions dealing with such matters as misleading statements, promotional activities, and the use of advertising materials in connection with the sale of timeshared property. In order to qualify as timeshare salespersons, individuals would be required to pass a special examination administered by the Registrar, and to be either employees of a registered real estate broker or employees of a developer who has complied with the registration requirements under the Act. In the latter case, however, salespersons would be entitled to sell timeshare interests only in the employer-developer's projects.

The proposed *Timeshare Act* would also contain extensive provisions intended to protect purchasers in the event of developer insolvency prior to completion of the sale of a timeshare interest, as well as upon or after completion. These protective devices would include the holding of purchase

monies in trust, the entering into by the developer of non-disturbance agreements with holders of blanket encumbrances against the property and registration of such agreements with the Registrar, and the posting of security, for example a bond or irrevocable letter of credit. In addition, the *Timeshare Act* would authorize the registration on title by timeshare purchasers of both ownership and right-to-use timeshare interests. Developers would be required to register against title to the timeshare property a general "notice of timeshare plan", which would provide notice of the existence of a timeshare project and of the rights of the owners.

The Report also deals in some detail with the management of timeshare projects. The management provisions of the proposed legislation, which would not apply to foreign timeshare developments marketed in Ontario, would require the creation of an owners' association for both ownership and right-to-use projects; in the latter case, however, the developer would be entitled to reserve to himself certain management functions, including the day-to-day operation of the property, provided that this intention is disclosed in the application for registration and in the disclosure statement.

Under the proposed statute, the owners' association would be a corporation without share capital, whose members would be the timeshare owners, and the duties of the association with respect to the management of the property would be specified in a general way. The affairs of the timeshare owners' association would be managed by a board of directors elected by the owners. The board would be empowered to pass by-laws, which would require approval by the owners. Daily management of the property could be delegated to a managing agent under a written management agreement. Timeshare interest owners would be given certain statutorily specified rights to participate in the management of the property, generally equivalent to those afforded to owners of condominium units under the *Condominium Act*. In addition, the Act would authorize the utilization of certain vote-by-mail mechanisms, whereby owners could participate by mail in the management of the project. The Report also contains recommendations concerning the allocation of voting rights among timeshare interest owners.

The Report addresses a number of miscellaneous issues, including some that have proved problematic in the timeshare context, and contains recommendations concerning, among other matters, rights of partition, premature termination of the timeshare arrangement, liability of timeshare owners in tort, and express and implied warranties.

Finally, the Report recommends a comprehensive remedial scheme that would include civil, administrative, and penal sanctions. A timeshare purchaser or an owners' association would be entitled to bring a civil action for damages or injunctive or declaratory relief against a developer or any other person subject to the proposed *Timeshare Act* who has failed to comply with any provision of the Act, the regulations, or the timeshare instruments. The civil remedies specified in the Act would not preclude resort to any other statutory or common law remedy or cause of action. The Act would also expressly authorize a timeshare owner or owners' association to bring a class action for damage to the property of the timeshare

development, to the assets of the owners' association, or to the individual units, as well as for personal injury to the owners.

With respect to administrative sanctions, the Report recommends that the Ministry of Consumer and Commercial Relations should be responsible for establishing a comprehensive scheme of administrative remedies similar to that in force under existing consumer protection legislation, which would involve the conferral upon the Registrar, the Director of the Business Practices Division, and the Minister of Consumer and Commercial Relations of certain specified powers. Penal provisions generally similar to those appearing in section 50 of the *Real Estate and Business Brokers Act* are also proposed.

B. Projects In Process

1. *Administration of Estates of Deceased Persons*

During the past year, the preparation of the final Report was temporarily suspended in order to complete other Reports. Work has now resumed and priority is being given to completion of this project within the coming fiscal year.

As explained in earlier Annual Reports, the *Report on the Administration of Estates of Deceased Persons* will address the following topics: the powers, duties, and liability of personal representatives; certain problems relating to beneficiaries; creditors and other claimants of the deceased; the transfer of assets of deceased persons; and the Surrogate Court.

2. *Basic Principles of Land Law*

Three research papers, containing recommendations for reform of the basic principles of land law, have been prepared and considered by the Commission over the course of the project. Three draft chapters of the final Report have been written; the preparation of the remainder of the Report is proceeding as time and other priorities permit.

3. *Positive and Restrictive Covenants Affecting Freehold Land*

This project involves an examination and assessment of the law of covenants affecting freehold land generally, with particular reference to two fundamental issues: (1) whether, and under what circumstances, the burden of positive covenants should be allowed to run with freehold land; and (2) whether, and to what extent, the present equitable doctrine of restrictive covenants is in need of reform. The final Report will include a review of the present Ontario law of covenants, as well as a summary of the relevant American law. It will also include a review of specific proposals for reform made in England, New Zealand, Trinidad and Tobago, and the United States.

The initial research for the project was done by Professor A. H. Oosterhoff, of the Faculty of Law, University of Western Ontario. Considerable progress has been made during the past year in the writing of the final Report. On two occasions, however, work was interrupted as a result of the priority accorded to the completion of the Commission's *Report on Compensation for Personal Injuries and Death*, and its *Report on Timesharing*. It is hoped that the final Report will be submitted during the coming year.

4. *The Law of Standing*

The Law of Standing Project is concerned with the question whether increased access to the courts should be granted to private individuals wishing to litigate in the public interest.

Research for the project was carried out initially by Andrew Roman, Esq., of the Ontario Bar, and subsequently under the direction of Professor W. A. Bogart, of the Faculty of Law, University of Windsor. The Commission has made all policy decisions arising out of this research, and the writing of the final Report has commenced. Unfortunately, due to staff turnover during the past year and the need to complete other projects, progress has been slow. The Commission has decided to accord top priority to completion of the *Report on the Law of Standing* during the coming fiscal year.

5. *Land Held Subject to French Title*

This project, directed by R. E. Priddle, Esq., Q.C., former Director of the Legal and Survey Standards Branch, Ministry of Consumer and Commercial Relations, was concerned with conveyancing problems that arise in connection with land, including land held subject to French title, in respect of which there is no Crown patent. A working paper prepared by the Project Director was considered by the Commission in November, 1986.

Due to other commitments, writing of the Final Report had been delayed this year. Because the Commission's recommendations were few, and in order to facilitate their early implementation, the Commission decided not to publish a Report on this subject, and instead forwarded the working paper, together with the Commission's recommendations, directly to the Registration Division of the Ministry of Consumer and Commercial Relations. We have been advised by the Real Property Registration Branch of that Division that it intends to incorporate the Commission's recommendations into its legislative program, currently being developed, for comprehensive improvements to land registration in Ontario.

6. *Remedies for Wrongful Interference with Goods*

This project examines recaption of chattels, the specific relief remedies of replevin and detinue, and damage remedies such as trespass, conversion and interference with a reversionary interest. The project is directed by joint

Project Directors, Professor Ralph L. Simmonds, Associate Dean of the Faculty of Law, McGill University, and Professor George R. Stewart, of the Faculty of Law, University of Windsor.

Except for the preparation of the final Report, all stages of the project are complete. Unfortunately, it has been necessary during the past year to defer the writing of the final Report, and it now appears, in light of current commitments and priorities, that publication of a Report will not be possible in the foreseeable future. Accordingly, in order to permit the early publication of the research generated by the project, the Commission has decided not to issue a formal *Report on Remedies for Wrongful Interference with Goods*. Rather, the Commission intends to publish a Study Paper, under the names of the joint Project Directors, that will reflect the research and set out the Project Directors' proposals for reform of the law.

7. *Liability of the Crown*

This project is being directed by Professor P. W. Hogg, of Osgoode Hall Law School, York University.

The project, which was commenced in the spring of 1986, examines the legal liability of the Crown in right of Ontario. The primary focus of the project is the *Proceedings Against the Crown Act*, which provides the existing statutory framework for proceedings against the provincial Crown, dealing with both procedural and substantive law. The main purposes of the project are to simplify the law, to make it fairer to both Crown and subject, and to bring it into conformity with the *Canadian Charter of Rights and Freedoms*.

The past year has witnessed the completion of the major portion of the research planned for the project. This research was considered by an Advisory Board constituted under the Chairmanship of the Project Director and consisting of members of the judiciary and the practising profession, representatives of government, and academic experts.

During the coming year, the Advisory Committee will meet to consider four further research papers. The Project Director's Report to the Commission, containing recommendations for reform of the law, is expected in the autumn of 1988. It is anticipated that the Commission will publish the final Report in 1989.

8. *Exemplary Damages*

In March, 1988, the Commission added to its program a project dealing with Exemplary Damages. The project, which will extend over a two year period, will consider whether, and to what extent, exemplary or "punitive" damages serve a rational purpose. Professor Bruce Feldthusen, of the Faculty of Law, University of Western Ontario, has been appointed Project Director, and a research design, proposed by Professor Feldthusen, has been approved by the Commission.

A Research Team has been assembled and research papers commissioned on the following topics: (1) exemplary damages as punishment, including the potential problems of double jeopardy and loss of procedural safeguards caused by effecting punishment by means of the civil, as opposed to the criminal, law; (2) exemplary damages as a means of deterring misconduct intended to make a profit; and (3) exemplary damages as an incentive to litigate particular claims. In addition, a fourth study will gather empirical data concerning exemplary damages—how often they are claimed and awarded, in what amounts and in what types of case, and their effect on settlement.

It is anticipated that the research generated by the project will be reviewed by an Advisory Board of experts before being presented to the Commission for consideration.

FUTURE PROGRAM

During the period under review, three Reports, dealing with Compensation for Personal Injuries and Death, Contribution Among Wrongdoers and Contributory Negligence, and Timesharing, were submitted to the Attorney General. In the coming year, priority will be given to the completion of three further projects, on the Law of Standing, Administration of Estates of Deceased Persons, and Positive and Restrictive Covenants Affecting Freehold Land.

In light of the completion, or anticipated completion, of the abovementioned projects, the Commission has recently engaged in a comprehensive review of its program with a view to undertaking new studies. This process has resulted in the addition to the program of the Exemplary Damages Project. In addition, the Commission is considering seriously initiatives in the areas of administrative justice, judicial appointments to the Supreme Court of Canada under the Meech Lake Accord, and human tissue donation. Other possible fields of study include alternative dispute resolution mechanisms, natural death legislation, and provincial aspects of criminal law. As always, the Commission is open to suggestions concerning areas of the law in need of reform.

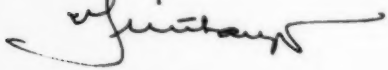
GENERAL ACTIVITIES AND ACKNOWLEDGMENTS

Attached to this Report are five Appendices relating to the activities and staff of the Commission and to events of importance during the past year. Appendix A records our sentiments on the passing of the Honourable R. A. Bell. Appendix B deals with the activities of the Chairman, Vice Chairman, and members of the legal staff during the period under review. Appendix C lists the visitors to the Commission during the year. Appendix D contains a list of Reports prepared and submitted by the Commission since its inception in 1964, together with a table indicating the extent to which legislation concerning its proposals has been enacted. Appendix E contains a list of the officers and permanent staff of the Commission.

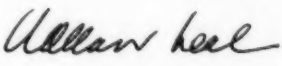
The Commission regrets the loss during the past year of Marilyn R. Leitman, Legal Research Officer, who left to join the Office of Legislative Counsel. We wish her success in her new position. To Lise Hendlisz, who joined the Commission as a member of the legal staff, we extend a warm welcome. We wish to thank our Administrative Officer, Ms. Anne McGarrigle, and the administrative staff, for their cooperation and efforts on our behalf.

May we also express our thanks and appreciation to you, Mr. Attorney, and to the officers of your Ministry, for the interest and assistance afforded us in our endeavours.

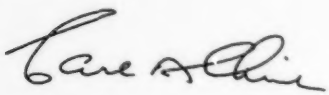
All of which is respectfully submitted,



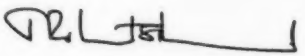
James R. Breithaupt
Chairman



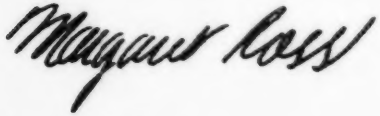
H. Allan Leal
Vice Chairman



Earl A. Cherniak
Commissioner



J. Robert S. Prichard
Commissioner



Margaret A. Ross
Commissioner

March 31, 1988

APPENDIX A

TESTIMONIAL TO THE HONOURABLE RICHARD ALBERT BELL, PC, QC, LSM, LLD

Extract from the Minutes of the Ontario Law Reform Commission, April 10 and 11, 1988.

The Commission was greatly saddened to learn of the death, on March 20, 1988, of our former colleague and friend, the Honourable R. A. Bell, PC, QC, LSM, LLD.

He was appointed to the Commission, as one of its founding members, on November 12, 1964, and served with great learning, energy and distinction until his retirement on June 30, 1986. That period represents twenty-two years, or half a professional lifetime, devoted to the cause of law reform. It would be difficult to overstate how much is owed to him and his work in the renewing and restructuring of our laws and socio-legal system for the betterment of the people of this jurisdiction and beyond. *Si monumentum requiris circumspice*— if it is a monument you seek look about you!

Honoured in his lifetime by his legal peers, among others, as the first recipient of the County of Carleton Law Association Medal and the Law Society Medal, he died respected by all. We, his colleagues, express our thanks and gratitude for a life so richly shared and wish to take this opportunity to convey our deepest sympathy to his wife, Ruth, and his daughter, Madam Justice Judith Oyen.

APPENDIX B

ACTIVITIES OF THE CHAIRMAN, VICE CHAIRMAN, AND MEMBERS OF THE LEGAL STAFF

James R. Breithaupt, Chairman

April 13, 1987	Spoke on CFTR noon hour program on the Commission's *Report on Human Artificial Reproduction and Related Matters*.
April 15, 1987	Attended the Canadian Bar Association (Ontario) Law Day '87 Reception and Dinner, Toronto.
May 22, 1987	Attended the 1987 Conference for Women in Management and the Legal Profession, sponsored by the Employment Equity Branch, Ministry of the Attorney General, Toronto.
June 2, 1987	Attended the Canadian Institute for the Administration of Justice Seminar for Administrative Tribunals, Hilton Harbour Castle Hotel, Toronto.
August 8-14, 1987	As a Commissioner for Ontario, attended the Annual Meeting of the Uniform Law Conference of Canada in Victoria, British Columbia.
August 14, 1987	Attended the Annual Meeting of the Law Reform Conference of Canada in Victoria, British Columbia, and was elected President of the Conference for 1987-88.
August 22-27, 1987	As a member of National Council, attended the Annual Meeting of the Canadian Bar Association in Ottawa, Ontario.
September 30, 1987	Visited the Faculty of Law, University of Western Ontario, and spoke to the students and faculty on the work of the Commission.
October 16-17, 1987	Attended, with Counsel, the Seventeenth Annual Workshop on Commercial and Consumer Law, sponsored by the Commercial and Consumer Law Section of the Canadian Association of Law Teachers; Osgoode Hall Law School; and the Law Faculties of McGill, Queen's and Toronto Universities. Two sessions were devoted to the discussion of various aspects of the Commission's *Report on Amendment of the Law of Contract*.
November 20-21, 1987	Guest speaker at a Conference on Law Reform, sponsored by lawyers and community legal workers from the Southwest Association of Legal Clinics, in Kitchener, Ontario.

November 23, 1987	Speaker to a delegation from the State Council Bureau of Legislative Affairs, People's Republic of China, who were visiting the Ontario Legislature. The Chairman and Vice Chairman represented the Commission at a luncheon for the delegation given by the Speaker of the Ontario Legislature.
November 25, 1987	Attended a Conference sponsored by the Ontario Energy Board on the topic "Judicial Review by the Courts of Administrative Board Decisions", in Toronto.
December 7, 1987	Visited the Faculty of Law, University of Toronto, with Dean J. Robert S. Prichard, Commissioner, and discussed law reform issues with the faculty.
December 11, 1987	Attended and gave his annual report to the Council meeting of the Canadian Bar Association (Ontario), in Toronto.
December 17, 1987	Visited Mayfield Secondary School in Brampton, and spoke to a class of law students about the work of the Commission.
January 12, 1988	Visited Queen's University, Kingston, and spoke to the law students and faculty about the work of the Commission.
January 13, 1988	Visited the University of Ottawa, Common Law Section, Faculty of Law, with Mrs. Margaret A. Ross, Commissioner, and spoke to the law students and faculty about the work of the Commission.
January 14, 1988	Guest speaker to a dinner meeting of the Executive of the Health Law Section of the Canadian Bar Association (Ontario) at the Albany Club, Toronto.
January 20, 1988	Guest speaker to the John White Society—"A Lecture and Seminar on Law Reform"—Osgoode Hall Law School, York University, and met afterwards with faculty members.
January 27, 1988	Guest speaker to 200 at a breakfast seminar sponsored by the Ontario Mortgage Brokers Association, to discuss the Commission's *Report on the Law of Mortgages*.
February 11, 1988	Visited the Faculty of Law, University of Windsor, and spoke to the students and faculty on the work of the Commission.
February 15 & 18, 1988	Together with the Vice Chairman, Counsel and members of the legal staff, met with Dean John H. Farrar, LLM, PhD, and Mr. Mark O'Regan from

	New Zealand, with respect to the Ontario scheme for registration of personal property security interests. Joined Messrs. Farrar and O'Regan in consultations with Mr. John T. Burnett, QC, Senior Vice President and Legal Counsel, Royal Bank of Canada, in Toronto.
February 26-March 2, 1988	Attended Executive meetings of the Uniform Law Conference of Canada, and the Mid-Winter Meeting of the National Council of the Canadian Bar Association, in St. John, New Brunswick.
March 9, 1988	Participated in consultation sessions on Correctional Law Review, sponsored by the Solicitor General of Canada, in Toronto.

H. Allan Leal, Vice Chairman

April 6, 1987	Delivered paper on The Hague Convention of Civil Aspects of International Child Abduction to Annual Conference of the International Social Service Organization, Geneva, Switzerland.
June 9, 1987	Presented paper on Family Law Reform at Chedoke Hospital Family Law Clinic, Hamilton, Ontario.
June 16, 1987	Presented paper on Professional Organizations to Canadian Association of Physicists' Annual Meeting, University of Toronto.
August 4, 1987	Met with Mr. Geoff Simmons of the Ontario Architects Association to discuss the developments in the Professional Organizations Committee Report leading to the enactment of a new organic statute for the architects and engineering professions.
January 4, 1988	Delivered paper on Capital Punishment to law class, Westdale Secondary Collegiate, Hamilton, Ontario.
March 2, 1988	Presented paper to the Real Property Section of the Canadian Bar Association (Ontario) on the Commission's *Report on the Law of Mortgages*. This presentation was recorded and is available to the profession on cassette from the CBAO office.
March 25, 1988	Presented paper on Human Artificial Insemination and In Vitro Fertilization to Seminar, Department of Philosophy, McMaster University, Hamilton, Ontario.

March 28, 1988	Presented paper on Civil Disobedience to the Philosophy Club, St. Michael's College, University of Toronto.
March 31, 1988	Interview with Mr. Peter Riches respecting History of Family Law Reform in Ontario.

M. A. Springman, Senior Legal Research Officer

October 24, 1987	Panelist at The Law Union of Ontario, 14th Annual Conference, "Womb for Rent: Developing a Progressive Position on Surrogate Motherhood".
March 3, 1988	Speaker at Glendon College (York University), on the Ontario Law Reform Commission.

L. M. Fox, Legal Research Officer

November 5, 1987	Speaker, Toronto General Hospital Lecture Series, "Legal Issues of Infertility".

APPENDIX C

VISITORS TO THE COMMISSION

1987	
April 13-16	Mr. Anthony A. Lucky, Corporate Secretary and In-House Counsel, The Royal Bank of Trinidad and Tobago Limited.
April 15	Professor Grant Hammond, Director of the Alberta Institute of Law Research and Reform.
December 29-30	The Honourable Mr. Justice Anthony A. Lucky, Judge of the Supreme Court of Trinidad and Tobago.
1988	
February 15	Professor John H. Farrar, LLM, PhD, Dean, School of Law, University of Canterbury, Barrister of the High Court of New Zealand; and Mr. Mark O'Regan, Barrister; regarding their study for the Law Commission of New Zealand of the law relating to chattels securities and company charges.
March 4	Professor Margaret Vennell, senior lecturer in law at the Faculty of Law, University of Auckland, and a member of the Accident Compensation Commission in New Zealand.

APPENDIX D

REPORTS OF THE ONTARIO LAW REFORM COMMISSION

	Title	Date of Report	Original Legislation Concerning Commission Proposals
1.	Report No. 1 [The Rule Against Perpetuities]	February 1, 1965	*The Perpetuities Act, 1966*, S.O. 1966, c. 113
2.	Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]	March 1, 1966	*do.*
3.	Report No. 2 [The Wages Act: Assignment of Wages]	March 3, 1965	*The Wages Amendment Act, 1968*, S.O. 1968, c. 142
4.	Report No. 3 on Personal Property Security Legislation	May 28, 1965	*The Personal Property Security Act, 1967*, S.O. 1967, c. 72
5.	Report No. 3A on Personal Property Security Legislation	May 18, 1966	*do.*
6.	Report on The Evidence Act: Admissibility of Business Records	February 16, 1966	*The Evidence Amendment Act, 1966*, S.O. 1966, c. 51, s. 1
7.	Report on The Mechanics' Lien Act	February 22, 1966	*The Mechanics' Lien Act, 1968-69*, S.O. 1968-69, c. 65
8.	Supplementary Report on The Mechanics' Lien Act	May 26, 1967	*do.*
9.	Report on the Proposed Extension of Guarantor's Liability on Construction Bonds	May 30, 1966	See *The Mechanics' Lien Amendment Act, 1975*, S.O. 1975, c. 43 *The Ministry of Transportation and Communications Creditors Payment Act, 1975*, S.O. 1975, c. 44 *The Public Works Creditors Payment Repeal Act, 1975*, S.O. 1975, c. 45
10.	Report on The Execution Act: Exemption of Goods from Seizure	December 9, 1966	*The Execution Amendment Act, 1967*, S.O. 1967, c. 26
11.	Report on The Law of Condominium	March 6, 1967	*The Condominium Act, 1967*, S.O. 1967, c. 13

	Title	Date of Report	Original Legislation Concerning Commission Proposals
12.	Report on the Basis for Compensation on Expropriation	September 21, 1967	*The Expropriations Act, 1968-69*, S.O. 1968-69, c. 36
13.	Report on the Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	January 8, 1968	*The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1968*, S.O. 1968, c. 120
14.	Annual Report 1967	January 15, 1968	Not applicable
15.	Report on Certain Aspects of the Proposed Divorce Legislation Contained in Bill C-187	January 19, 1968	*Divorce Act*, S.C. 1967-68, c. 24, s. 26
16.	Report on the Proposed Adoption in Ontario of The Uniform Wills Act	February 5, 1968	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 See *The Registry Amendment Act, 1978*, S.O. 1978, c. 8, s. 1
17.	Report on The Protection of Privacy in Ontario	September 10, 1968	See *The Consumer Reporting Act, 1973*, S.O. 1973, c. 97
18.	Report on Section 183 of The Insurance Act	October 3, 1968	—
19.	Report on Trade Sale of New Houses	October 4, 1968	See *The Ontario New Home Warranties Plan Act, 1976*, S.O. 1976, c. 52
20.	Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	December 10, 1968	*The Landlord and Tenant Amendment Act, 1968-69*, S.O. 1968-69, c. 58
21.	Report on Limitation of Actions	February 3, 1969	See *The Highway Traffic Amendment Act (No. 2), 1975*, S.O. 1975, c. 37 *The Fatal Accidents Amendment Act, 1975*, S.O. 1975, c. 38 *The Trustee Amendment Act, 1975*, S.O. 1975, c. 39
22.	Second Annual Report 1968	April 7, 1969	Not applicable
23.	Report on the Age of Majority and Related Matters	June 3, 1969	*The Age of Majority and Accountability Act, 1971*, S.O. 1971, c. 98

	Title	Date of Report	Original Legislation Concerning Commission Proposals
24.	Report on the Status of Adopted Children	June 3, 1969	*The Child Welfare Amendment Act, 1970*, S.O. 1970, c. 96, s. 23
25.	Report on Family Law, Part I: Torts	November 4, 1969	*The Family Law Reform Act, 1978*, S.O. 1978, c. 2 (partial implementation)
26.	Report on Section 20 of The Mortgages Act	March 12, 1970	*The Mortgages Amendment Act, 1970*, S.O. 1970, c. 54, s. 1
27.	Report on Family Law, Part II: Marriage	April 6, 1970	*The Civil Rights Statute Law Amendment Act, 1971*, S.O. 1971, c. 50, s. 55 (partial implementation) *The Marriage Act, 1977*, S.O. 1977, c. 42
28.	Third Annual Report 1969	April 20, 1970	Not applicable
29.	Report on Actions Against Representatives of Deceased Persons	November 30, 1970	*The Trustee Amendment Act, 1971*, S.O. 1971, c. 32, s. 2
30.	Report on the Coroner System in Ontario	January 25, 1971	*The Coroners Act, 1972*, S.O. 1972, c. 98
31.	Report on Sunday Observance Legislation	February 26, 1971	*The Retail Business Holidays Act, 1975*, S.O. 1975 (2nd Session), c. 9 *Courts of Justice Act, 1984*, S.O. 1984, c. 11, s. 134
32.	Report on Land Registration	March 23, 1971	See *The Corporations Tax Amendment Act (No. 2), 1979*, S.O. 1979, c. 89 *Land Registration Reform Act, 1984*, S.O. 1984, c. 32
33.	Fourth Annual Report 1970	March 31, 1971	Not applicable
34.	Report on The Change of Name Act	May 31, 1971	*The Change of Name Amendment Act, 1972*, S.O. 1972, c. 44 *Change of Name Act, 1986*, S.O. 1986, c. 7
35.	Report on The Mortgages Act, Section 16	June 18, 1971	—
36.	Report on Development Control	September 28, 1971	*The Planning Amendment Act, 1973*, S.O. 1973, c. 168, s. 10

	Title	Date of Report	Original Legislation Concerning Commission Proposals
37.	Report on Powers of Attorney	January 11, 1972	*The Powers of Attorney Act, 1979*, S.O. 1979, c. 107 *Powers of Attorney Amendment Act, 1983*, S.O. 1983, c. 74 *Mental Health Amendment Act, 1983*, S.O. 1983, c. 75
38.	Report on Occupiers' Liability	January 11, 1972	*The Occupiers' Liability Act, 1980*, S.O. 1980, c. 14
39.	Report on Consumer Warranties and Guarantees in the Sale of Goods	March 31, 1972	—
40.	Report on Review of Part IV of The Landlord and Tenant Act	March 31, 1972	*The Landlord and Tenant Amendment Act, 1972*, S.O. 1972, c. 123
41.	Fifth Annual Report 1971	March 31, 1972	Not applicable
42.	Report on the Non-Possessory Repairman's Lien	October 4, 1972	—
43.	Report on the Administration of Ontario Courts, Part I	February 26, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31 *The Judicature Amendment Act (No. 2), 1977*, S.O. 1977, c. 51, s. 9 *Courts of Justice Act, 1984*, S.O. 1984, c. 11, ss. 19 and 25
44.	Sixth Annual Report 1972	March 31, 1973	Not applicable
45.	Report on the Administration of Ontario Courts, Part II	May 23, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31
46.	Report on Family Law, Part III: Children	September 25, 1973	*The Child Welfare Amendment Act, 1975*, S.O. 1975, c. 1 (partial implementation) *The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation)

	Title	Date of Report	Original Legislation Concerning Commission Proposals
			The Children's Law Reform Act, 1977, S.O. 1977, c. 41 (partial implementation)
			See *Children's Law Reform Amendment Act, 1982*, S.O. 1982, c. 20
47.	Report on The Solicitors Act	September 28, 1973	*Courts of Justice Act, 1984*, S.O. 1984, c. 11, s. 214(6)
48.	Report on Motor Vehicle Accident Compensation	November 6, 1973	—
49.	Report on the Administration of Ontario Courts, Part III	December 17, 1973	*The Judicature Amendment Act, 1975*, S.O. 1975, c. 30 (partial implementation)
			See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31
			The Small Claims Courts Amendment Act, 1977, S.O. 1977, c. 52 (partial implementation)
50.	Report on Family Law, Part IV: Family Property Law	February 8, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation)
			The Family Law Reform Act, 1978, S.O. 1978, c. 2 (partial implementation)
			Family Law Act, 1986, S.O. 1986, c. 4 (partial implementation)
			See *The Land Titles Amendment Act, 1978*, S.O. 1978, c. 7
			The Registry Amendment Act, 1978, S.O. 1978, c. 8

	Title	Date of Report	Original Legislation Concerning Commission Proposals
51.	Report on Family Law, Part V: Family Courts	February 8, 1974	See *The Unified Family Court Act, 1976*, S.O. 1976, c. 85 *The Children's Probation Act, 1978*, S.O. 1978, c. 41 (partial implementation)
52.	Seventh Annual Report 1973	May 6, 1974	Not applicable
53.	Report on the International Convention Providing a Uniform Law on the Form of the International Will	July 3, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 42
54.	Eighth Annual Report 1974	March 31, 1975	Not applicable
55.	Report on Family Law, Part VI: Support Obligations	April 18, 1975	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation) *The Family Law Reform Act, 1978*, S.O. 1978, c. 2
56.	Report on Mortmain, Charitable Uses and Religious Institutions	February 27, 1976	*The Religious Organizations' Lands Act, 1979*, S.O. 1979, c. 45 *The Anglican Church of Canada Act, 1979*, S.O. 1979, c. 46 *The Registry Amendment Act, 1979*, S.O. 1979, c. 94, s. 17 *Charities Accounting Amendment Act, 1982*, S.O. 1982, c. 11 *Mortmain and Charitable Uses Repeal Act, 1982*, S.O. 1982, c. 12, s. 1(1)
57.	Report on Landlord and Tenant Law	March 15, 1976	*The Residential Tenancies Act, 1979*, S.O. 1979, c. 78 (partial implementation)
58.	Report on the Law of Evidence	March 29, 1976	—
59.	Ninth Annual Report 1975	March 31, 1976	Not applicable
60.	Report on Changes of Name	August 16, 1976	*The Change of Name Amendment Act, 1978*, S.O. 1978, c. 28

	Title	Date of Report	Original Legislation Concerning Commission Proposals
			The Vital Statistics Amendment Act, 1978, S.O. 1978, c. 81, s. 1 (partial implementation)
			Change of Name Act, 1986, S.O. 1986, c. 7 (partial implementation)
			Vital Statistics Amendment Act, 1986, S.O. 1986, c. 9 (partial implementation)
61.	Report on the Impact of Divorce on Existing Wills	February 28, 1977	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 17(2)
62.	Tenth Annual Report 1976	March 31, 1977	Not applicable
63.	Eleventh Annual Report 1977	March 31, 1978	Not applicable
64.	Report on Sale of Goods	March 30, 1979	—
65.	Twelfth Annual Report 1978	March 30, 1979	Not applicable
66.	Report on Products Liability	November 16, 1979	—
67.	Thirteenth Annual Report 1979	March 31, 1980	Not applicable
68.	Report on the Enforcement of Judgment Debts and Related Matters, Part I	February 20, 1981	—
69.	Report on the Enforcement of Judgment Debts and Related Matters, Part II	March 31, 1981	*Wages Amendment Act, 1983*, S.O. 1983, c. 68 (partial implementation)
			Proceedings Against the Crown Amendment Act, 1983, S.O. 1983, c. 88
			Courts of Justice Act, 1984, S.O. 1984, c. 11, s. 177 (partial implementation)
			Rules of Civil Procedure, O. Reg. 560/84, r. 60 (partial implementation)
70.	Report on the Enforcement of Judgment Debts and Related Matters, Part III	March 31, 1981	Rules of Civil Procedure, O. Reg. 560/84, r. 60.07(16) and (17)
71.	Fourteenth Annual Report 1980-81	March 31, 1981	Not applicable
72.	Report on Witnesses Before Legislative Committees	September 11, 1981	—
73.	Report on Class Actions	March 31, 1982	—

	Title	Date of Report	Original Legislation Concerning Commission Proposals
74.	Fifteenth Annual Report 1981-82	March 31, 1982	Not applicable
75.	Report on the Enforcement of Judgment Debts and Related Matters, Part IV	March 31, 1983	–
76.	Report on the Enforcement of Judgment Debts and Related Matters, Part V	March 31, 1983	*Creditors' Relief Amendment Act, 1985*, S.O. 1985, c. 1 (partial implementation)
77.	Report on Powers of Entry	March 31, 1983	–
78.	Sixteenth Annual Report 1982-83	March 31, 1983	Not applicable
79.	Report on the Law of Trusts	March 30, 1984	–
80.	Seventeenth Annual Report 1983-84	March 30, 1984	Not applicable
81.	Report on Human Artificial Reproduction and Related Matters	March 15, 1985	–
82.	Twentieth Anniversary Report 1984-85	September 1, 1985	Not applicable
83.	Twenty-First Annual Report 1985-86	March 31, 1986	Not applicable
84.	Report on Political Activity, Public Comment and Disclosure by Crown Employees	June 27, 1986	–
85.	Report on Amendment of the Law of Contract	January 15, 1987	–
86.	Report on the Law of Mortgages	March 31, 1987	–
87.	Twenty-Second Annual Report 1986-87	March 31, 1987	Not applicable
88.	Report on Compensation for Personal Injuries and Death	November 10,1987	–
89.	Report on Contribution Among Wrongdoers and Contributory Negligence	March 23, 1988	–
90.	Report on Timesharing	March 31, 1988	–
91.	Twenty-Third Annual Report 1987-88	March 31, 1988	Not applicable

Many of the Commission's earlier Reports are no longer in print. Those that are still in print may be ordered from Publications Services, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, Canada M7A 1N8. Telephone 965-6015. Toll free long distance 1-800-268-7540; in area code 807, 0-Zenith 67200.

APPENDIX E

OFFICERS AND PERMANENT STAFF
ONTARIO LAW REFORM COMMISSION

Chairman	James R. Breithaupt, CStJ, CD, QC, MA, LLB
Vice Chairman	H. Allan Leal, OC, QC, LSM, LLM, LLD, DCL
Commissioners	Earl A. Cherniak, QC J. Robert S. Prichard, MBA, LLM Margaret A. Ross, BA (Hon.), LLB
Counsel	M. Patricia Richardson, MA, LLB
Secretary and Administrative Officer	Anne McGarrigle, LLB
Senior Legal Research Officer	M. A. Springman, MA, MSc, LLB
Legal Research Officers	Larry M. Fox, LLB Judith A. Bellis, BA, LLB J. J. Morrison, BA (Hon.), LLM Lise S. C. Hendlisz, MA, BCL, LLB
Administrative Assistant	Beverley G. Woodley
Secretary to Chairman and Vice Chairman	Stephanie Hlynka
Librarian	Elizabeth N. Page, BA
Secretary to Counsel	D. M. Halyburton
Secretary to Administrative Officer	Mary Rose Betinvieh, BAA
Secretaries to Legal Research Officers	Cora Calixterio Sharon Nagasaka
Receptionist	Mary M. O'Hara